



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/615,243

07/13/2000

Masashi Yahara

CANO:009

5020

7590

05/15/2006

Rossi & Associates

P O Box 826

Ashburn, VA 20146-0826

EXAMINER

QUELER, ADAM M

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/615,243

Applicant(s)

YAHARA, MASASHI

Examiner

Adam M. Queler

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is responsive to communications: Amendment and RCE filed 10/25/2005.
2. Claims 1-30 are pending in the case. Claims 1, 8, and 15 are independent claims.
3. The rejection of claims 1-30 under 35 U.S.C. 112 has been withdrawn in view of Applicant's amendment.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchings (US005940813A, patented 8/17/1999), and further in view of**

**<http://www.comp.nus.edu.sg/~xuedamin/programs/204/doc.txt> (published 7/23/2001)**

**hereinafter Judge.**

**Regarding independent claim(s) 1, 8, and 15,** Hutchings discloses a list having records of files with priority codes, *which are identifiers with priorities*, indicating a processing order. Hutchings discloses executing processing according to the processing order (col. 9, ll. 10-29). Hutchings does teach that codes can be changed but does not specifically teach how. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to turn to the prior art to use a method of changing the properties of objects, as Hutchings left that particular implementation up to the artisan. Roddy teaches a manner of changing the properties of objects (Fig. 9). Roddy displays a list that has properties of the objects displayed, which can be

Art Unit: 2178

assigned in response to a user's operation. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the interface of Roddy with Hutchings facilitate the changing of priority codes that Hutchings specifically suggests. This would display the records of Hutchings and enable the assigning of processing order from this display as claimed. This is obvious because Hutchings does teach that codes can be changed but does not specifically teach how. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to turn to the prior art to use a method of changing the properties of objects, as Hutchings left that particular implementation up to the artisan.

**Regarding dependent claim(s) 2, 9, and 16,** Hutchings and Roddy teach that display a list is obvious as recite in claim 1 above. As Hutching teaches the items have priorities as disclosed above, inherently, they would be shown when the list was displayed.

**Regarding dependent claim(s) 3, 10, and 17,** Hutchings teaches the files are processed, or integrated in to the system by their priorities (col. 9, ll. 20-22).

**Regarding dependent claim(s) 4, 11 and 18,** Hutchings teaches that the files are copied according the their priorities (col. 9, ll. 20-21).

**Regarding dependent claim(s) 5, 12, and 19,** Hutchings teaches that the files are moved according the their priorities (col. 9, ll. 20-21).

**Regarding dependent claim(s) 6,13, and 20,** Hutchings teaches that the files are sorted according the their priorities (col. 9, ll. 20-21).

**Regarding dependent claim(s) 7, 14 and 21,** Hutchings teaches marks, such as "S" (col. 9, ll. 23-24).

Art Unit: 2178

**Regarding dependent claim(s) 22-30**, Official Notice is taken that all the mediums in the instant claims were well-known in the art, and would have been obvious to one of ordinary skill in the art at the time of the invention to use as storage mediums, because of their wide spread acceptance.

***Response to Arguments***

6. Applicant's arguments, with respect to the rejection(s) of claim(s) 1-30 under Hutchings in view of Judge have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hutchings in view of Roddy.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2178

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Queler whose telephone number is (571) 272-4140.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ



**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**